

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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REPUBLICAN PARTY OF WISCONSIN  
and BRIAN SCHIMMING,

Plaintiffs,

v.

Case No. 24-CV-00867-JDP

TONY EVERES, MEAGAN WOLFE, and  
JOSH KAUL,

Defendants.

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**DEFENDANTS' MOTION TO DISMISS**

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Pursuant to Fed. R. Civ. P. 12(b)(1), Defendants move the Court for an order dismissing the Complaint. As the basis for this motion, Defendants incorporate by reference their Brief in Support of Motion to Dismiss. Briefly stated, this case should be dismissed because this Court lacks federal jurisdiction for the following reasons: (1) there is no adversity; (2) Plaintiffs lack standing — they allege no harm traceable to Defendants or that is redressable by them; and (3) Plaintiffs' preemption claim is merely a defense to what they allege are potential state law criminal or civil penalties. That is not a basis for Article III jurisdiction.

WHEREFORE, Defendants respectfully request that the Court dismiss with prejudice all of Plaintiffs' claims against Defendants.

Dated this 11th day of December 2024.

Respectfully submitted,

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\**Pro Hac Vice* Application Forthcoming